

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:23-CV-136-D

EPIC TECH, LLC, and)
BLUE STREAK BIDS, LLC,)
)
Plaintiffs,)
)
v.)
)
RALEIGH STARTUP SOLUTIONS,)
LLC, et al.,)
)
Defendants.)

ORDER

On March 20, 2023, Epic Tech, LLC and Blue Streak Bids, LLC (collectively “plaintiffs”) filed a verified complaint [D.E. 1] and several exhibits [D.E. 1-1, 1-2, 1-3, 2, 3]. On May 1, 2023, defendant Larry Hill (“Hill”) filed a motion to remove his name from the civil action [D.E. 63]. The court referred Hill’s motion to remove his name from the civil action to Magistrate Judge Robert B. Jones, Jr. for an evidentiary hearing and a Memorandum and Recommendation [D.E. 101]. On August 23, 2023, Magistrate Judge Jones held a hearing [D.E. 133]. Hill did not appear at the hearing. See id. On August 23, 2023, Magistrate Judge Jones issued an M&R and recommended that the court deny Hill’s motion to remove his name from the civil action and set a deadline for Hill to answer the complaint. See [D.E. 134]. No party responded to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (cleaned up); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need

not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted). If a party makes only general objections, de novo review is not required. See Wells v. Shriners Hosp., 109 F.3d 198, 200 (4th Cir. 1997). In “order to preserve for appeal an issue in a magistrate judge’s report, a party must object to the finding or recommendation on that issue with sufficient specificity so as reasonably to alert the district court of the true ground for the objection.” Martin v. Duffy, 858 F.3d 239, 245 (4th Cir. 2017) (quotation omitted); see United States v. Midgette, 478 F.3d 616, 622 (4th Cir. 2007).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record and adopts the conclusions in the M&R.

In sum, the court has reviewed the record and ADOPTS the findings and conclusions in the M&R [D.E. 134]. The court DENIES defendant Hill’s motion to remove his name from the civil action [D.E. 63]. Defendant Hill SHALL answer or otherwise respond to plaintiffs’ complaint not later than October 27, 2023. See Fed. R. Civ. P. 12(a)(1)(C).

SO ORDERED. This 5 day of October, 2023.

J. Dever
JAMES C. DEVER III
United States District Judge